

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Review of the Commission's Rules) MM Docket No. 97-138
regarding the main studio and)
local public inspection files of)
broadcast television and radio stations)
)
47 C.F.R. 73.1125,)
73.3526 and 73.3527)

To: The Commission

COMMENTS OF THE MOODY BIBLE INSTITUTE OF CHICAGO

The Moody Bible Institute of Chicago (hereafter "Moody"), by its undesignated counsel, hereby respectfully submits these comments in response to the Commission's "NOTICE OF PROPOSED RULE MAKING" in the above-captioned proceeding.¹ Moody generally supports the Commission's efforts to relax the broadcast main studio and local public inspection file rules. However, Moody believes that additional regulatory changes should be implemented in the case of noncommercial stations operated on a state or regional basis by non-profit licensees to incorporate in the rules the policy that has developed for granting waivers of the

¹ FCC 97-182, released May 28, 1997.

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the FCC 024

requirements of the present main studio rule to such licensees.

I NONCOMMERCIAL SATELLITE STATIONS.

1. The Moody Bible Institute of Chicago is a non-profit, educational institution located in Chicago, Illinois. Moody is the Commission licensee of a group of noncommercial, educational broadcast stations located throughout the United States.²

2. Moody operates a number of its stations as a "satellite" of another Moody station. These satellite stations meet all of the technical requirements of the Commission's rules, but generally originate little or no local programming. Rather, the satellite station traditionally rebroadcasts the programming of a "parent" station. The satellite station also does not have a

2 Moody is the Commission licensee of the following:

WMBI(AM & FM)	Chicago, Illinois
WCRF(FM)	Cleveland, Ohio
WDLM(AM & FM)	East Moline, Illinois
WMBW(FM)	Chattanooga, Tennessee
KMBI(AM & FM)	Spokane, Washington
WRMB(FM)	Boynton Beach, Florida
WMBV(FM)	Dixon's Mills, Alabama
WAFS(AM)	Atlanta, Georgia
WGNB(FM)	Zeeland, Michigan
WJSO(FM)	Pikeville, Kentucky
WVMS(FM)	Sandusky, Ohio
WMKW(FM)	Crossville, Tennessee
WGNR(FM)	Monee, Illinois
WFCM(FM)	Murfreesboro, Tennessee
WVMN(FM)	New Castle, Pennsylvania
WIWC(FM)	Kokomo, Indiana
KMLW(FM)	Moses Lake, Washington
KSPL(FM)	Kalispell, Montana
WMBU(FM)	Forest, Mississippi
WSOR(FM)	Naples, Florida
WKES(FM)	Lakeland, Florida
WZRS(AM)	Smyrna, Tennessee

main studio that conforms with the requirements of Section 73.1125 of the Commission's rules. Moody has repeatedly sought, and been granted a waiver of, the main studio requirements of Section 73.1125 in order to operate its satellite stations. However, Moody does originate local programming that is produced at the parent station and sent to the satellite station for broadcast, as will be discussed herein.

3. Moody's satellite stations exist within the same state as the parent station, in an immediately adjacent state, and many states removed from the location of the parent station. For example, Moody's satellite station WVMS(FM), Sandusky, Ohio, is located in the same state as its parent, WCRF(FM), Cleveland, Ohio.³ KSPL(FM), Kalispell, Montana, is located in an adjacent state to its parent station, KMBI-FM, Spokane, Washington.⁴ Moody's satellite station WJSO(FM), Pikeville, Kentucky, is located hundreds of miles, and several states removed from, its parent station, WMBI-FM, Chicago, Illinois.⁵ In each case, the Commission's staff granted Moody a waiver of the requirements of Section 73.1125 of the rules to allow for the main studio of the satellite station to be located at the address of the parent station.

4. Through the course of the construction permits granted by the Commission to allow for the operation of the

3 See Exhibit No. 1 hereto.

4 See Exhibit No. 2 hereto.

5 See Exhibit No. 3 hereto.

noncommercial, satellite stations, a common criteria has been established for a waiver of the main studio rule. This criteria is:

a) the noncommercial licensee will ascertain the problems, needs and interests of the community of license for the satellite station and address these through its programming.

b) the licensee agrees to establish and consult with a citizens advisory board made up of residents of the community of license of the satellite station;

c) the licensee holds open meetings each year with the advisory board and interested citizen to ensure that the satellite station's programming is serving the public interest;

d) either the satellite station or the parent station incorporates programming, including news insertions and public affairs programs, regarding events in the satellite station's community of license;

e) the public inspection file for the satellite station is maintained at a location within the community of license; and

f) the licensee maintains a toll free telephone number between the satellite station's community of license and the main studio of the parent station.

5. Moody submits that Section 73.1125 of the Commissions rules should be modified as it relates to stations operated in the portion of the FM band reserved for noncommercial educational use to allow for the routine operation of satellite stations where the licensee meets the above criteria in its operation of the satellite station. Such a modification will obviate the need for noncommercial, educational applicants to continually, as Moody has done over the years, seek a waiver of Section 73.1125 in order to operate new stations as satellites of co-owned and operated noncommercial, educational stations. Such a modification will formally incorporate into the rules a

longstanding policy that has been adopted by the Commission's staff for granting such waivers, and end the unnecessary regulatory burden that seeking such a routine waiver causes noncommercial, educational licensee/applicants for new stations.

6. In this regard, Moody submits that the Commission should not take any action in this proceeding that will negate or terminate the main studio waivers that have been granted to noncommercial, educational licensees such as Moody for satellite stations. The Commission has in the past recognized the benefits of centralized operation for noncommercial, educational stations and has routinely granted waivers to state and regional networks, such as Moody, to operate satellite stations that do not meet the requirements of the main studio rule.⁶ Moody has constructed a number of satellite stations and has realized significant operating cost savings through such operations, while continuing to ensure that the stations serve the local community and public interest. Any action terminating the underlying main studio waivers with which these stations operate would endanger the continued viability of such stations and the public service they provide to largely small, rural communities.

II. MAIN STUDIO RULE.

7. Beyond the satellite operation of noncommercial, educational stations, Moody supports the overall relaxation in the Commission's broadcast main studio rule. Technology has obviated the need for program origination from a local broadcast

⁶ See, Multiple Ownership Rules, 3 RR 2d 1562 (1964).

studio to meet local needs and interests. For example, Moody utilizes computer technology in connection with its satellite stations to produce and forward programming response to local needs and interests from the parent station. This programming is individually created to address the needs and interests of the community of license, produced at the parent station, stored in computer memory as a file and sent via satellite or computer modem to the satellite station. It is then broadcast on the satellite station as local programming through the remote operation of the satellite station from the parent station. Through such a process, Moody is able to effectively address local problems, needs and interests on its satellite stations without the need for having a local employee "presence" on site, and without having to build studios at each of its satellite station locations.

8. Moody believes that such programming technology obviates the need for program origination from a "local main studio". Wisdom and common sense dictates that the Commission free broadcasters from the need to maintain local studios from which they are required to house staff and originate programming.

III. LOCAL PUBLIC INSPECTION FILE RULES.

9. Moody believes that much of the present public inspection file rule needs revision. As an initial matter, a broadcaster should be allowed to maintain the public inspection file for its station at the main studio of the station wherever it is located. The main studio is the primary place the business

of the station is undertaken and licensees should not be burdened with the obligation to monitor and maintain a separate public inspection file in the community of license when the studio is not located in that community. Removing this obligation deletes an unnecessary regulatory burden on broadcasters and insures that the public inspection file, wherever located, will be complete and available during normal business hours.

10. Moody fully supports an electronic public file option for broadcasters. Licensee should be given the option of replacing the present "paper file" with a public file on a computer database so long as the station makes a computer terminal available to members of the public interested in reviewing the station's "electronic" public file. The licensee should, however, be required to supply a paper copy of any materials requested by members of the public.

11. Finally, Moody supports the recommendation that licensees acquiring broadcast stations only be responsible for licensee-specific information, and not information that was required to be placed in the file by prior licensees. Moody agrees that the public has no need or use for information on the practices of former station owners and that the only information that is relevant for public inspection file purposes is that relating to the current licensee. The present rule puts an inordinate burden on new licensees to ensure the public file contains information on the operation of prior station owners....information that is irrelevant to the public interest

performance of the current licensee.

Based on the foregoing, The Moody Bible Institute of Chicago respectfully urges the Commission to incorporate its present policy for granting waivers of the main studio rule for noncommercial, educational satellite stations into its rules, and to implement the other changes in its main studio and local public inspection file rules proposed herein.

Respectfully submitted,

The Moody Bible Institute of Chicago

By: 

Jeffrey D. Southmayd

Its Attorney

Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036
(202) 331-4100

Date: August 8, 1997

EXHIBIT NO. 1

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

22 FEB 1993

IN REPLY REFER TO:
1800B3-ALM

Jeffrey D. Southmayd, Esq.
Southmayd and Miller
1233 20th Street, N.W.
Second Floor
Washington, D. C. 20036

In re: NEW, Sandusky, Ohio
Moody Bible Institute of Chicago
File No. BPED-920331MB

Dear Mr. Southmayd:

This is in reference to the subject application filed by Moody Bible Institute of Chicago ("MBI") for a new noncommercial, educational FM station in Sandusky, Ohio. The applicant seeks a waiver of 47 C.F.R. § 73.1125(a)(4) to operate its proposed Sandusky facility as a satellite station of commonly owned station, WCRF-FM, Cleveland, Ohio.

In order to ensure that local issues in Sandusky will be met, MBI has agreed to undertake the following:

1. Ascertain the problems, needs and interests of Sandusky and address these through its programming.
2. Establish a Citizens Advisory Board made up of residents of Sandusky, Ohio. The Board will meet periodically with the General Manager of WCRF-FM, Cleveland.
3. At least two of the meetings each year of the Board will be open to members of the public to attend and participate in the discussions. Announcements of the dates and times of these meetings will be made, numerous, on the station during the week before the meeting.
4. WCRF-FM, Cleveland, will include news insertions in its local broadcasts to include segments regarding events in Sandusky.
5. The proposed station and WCRF-FM will periodically broadcast public affairs programming responsive to the local, Sandusky, issues of public concern ascertained by Moody in connection with its information gathering efforts.
6. Maintain a toll free telephone number between Sandusky and the studio of WCRF-FM in Cleveland, Ohio.

A "satellite" station has been defined by the Commission as one "operating on a channel specified in the ... Table of Assignments and meeting all of the

technical requirements of our rules, but one which usually originates no local programming ... It rebroadcasts the programming of the parent station." Multiple Ownership Rules, 3 RR 2d 1554, 1562 (1964). Satellite stations involve deviations from such Commission regulations as station main studio locations (Section 73.1125).

The Commission has stated that "we have recognized the benefits of centralized operations for noncommercial educational stations, given the limited funding available to these stations, and we have granted waivers to state and regional public television and radio networks to operate 'satellite' stations that do not necessarily meet the requirements of a main studio. These stations, however, have not been permitted to ignore local service obligations, and waivers generally have been granted only upon a showing that the local community would be served." Memorandum Opinion and Order in MM Docket No. 86-406, 3 FCC Rcd 5024 (1988). Thus, local needs should be met by this applicant.

We have determined that MBI has established that its centrally programmed simultaneous schedule will serve the problems, needs and interests of Sandusky, Ohio. Accordingly, we will waive the applicable rule section and grant the construction permit application.

Sincerely,



Dennis Williams
Chief, FM Branch
Audio Services Division
Mass Media Bureau

EXHIBIT NO. 2

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

MAR 15 1996

IN REPLY REFER TO:
1800B2, 8910-AJ

Jeffrey D. Southmayd, Esquire
Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036

Re: New FM Station in Kalispell, Montana, File No. BPED-941202MA

Dear Mr. Southmayd:

The staff has under consideration the above-referenced application of the Moody Bible Institute of Chicago ("Moody") to construct a new, noncommercial educational ("NCE") FM station in Kalispell, Montana on Channel 215C3. Moody requests waiver of the Commission's main studio requirement, see 47 C.F.R. § 73.1125,¹ in order to operate the Kalispell station as a satellite of its NCE station KMBI(FM), Spokane, Washington. For the reasons set forth below, we waive 47 C.F.R. § 73.1125 and grant Moody's application for a construction permit.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents of its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), the Commission will waive this requirement where "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." Each waiver request by an NCE station seeking to operate as the satellite of another NCE station is considered on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement where satellite operations are proposed. Id. A satellite station must, however, demonstrate that it will meet its local service obligation to satisfy the Section 73.1125 "public interest" standard. Id.

Moody's request is based on the economies of scale which would be realized by grant of its waiver. We agree and conclude that there is "good cause" to waive 47 C.F.R. § 73.1125(a)(4) in these circumstances. Moody proposes to operate the Kalispell main studio as a satellite of KMBI(FM), Spokane, Washington, approximately 150 miles from

¹In relevant part, Section 73.1125 requires each broadcast station to maintain a main studio within the station's principal community contour.

Kalispell. Where there is a great distance between parent and satellite stations, as here, we are particularly concerned that the licensee take adequate measures to maintain its awareness of the satellite community's needs and interests. To that end, Moody has pledged to: (1) retain a local Moody representative in Kalispell; (2) ensure that Moody management employees pay periodic visits to Kalispell; (3) establish a Citizens Advisory Board in Kalispell which shall meet at least twice a year with the general manager of KMBI(FM); (4) announce on the Kalispell station that the Citizens Advisory Board welcomes public participation at these bi-annual meetings; (5) include news insertions in local broadcasts regarding Kalispell events; and (6) periodically broadcast public affairs programming responsive to local issues of concern to the Kalispell community. Moody also indicates that it will maintain a public file for the new station in Kalispell and a toll-free telephone number for its residents, as required by 47 C.F.R. §§ 73.3527(d) and 73.1125(c), respectively. In these circumstances, we are persuaded that Moody will meet its local service obligations and thus, that grant of the requested rule waiver is consistent with the public interest.

Moody proposes to mount its antenna on an existing tower with a number of proposed radio and television stations and a licensed FM translator station. Pursuant to OST Bulletin No. 65, October 1985, entitled, "Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radiofrequency Radiation," when persons have access to the site, the transmitter power must be reduced or eliminated in order to comply with Commission guidelines. Where there are multiple contributors to radiofrequency radiation, all stations are required to reduce power or cease operations as necessary to assure safety with respect to radiofrequency radiation. See Public Notice, August 19, 1992, Mimeo 24479. We will specify an appropriate condition on the authorization.

The application is otherwise in full compliance with the Commission's rules. Accordingly, we GRANT Moody Bible Institute of Chicago's request for waiver of 47 C.F.R. § 73.1125, and we GRANT its application to construct a new, noncommercial educational station in Kalispell, Montana, File No. BPED-941202MA.

Grant of the application IS SUBJECT TO THE CONDITION that Moody Bible Institute of Chicago, Inc., in coordination with all other users of its specified tower site, reduce power or cease operations, as necessary, to protect persons having access to the site, tower or antenna from radiofrequency radiation in excess of Commission guidelines.

Sincerely,



for Linda Blair, Acting Chief
Audio Services Division
Mass Media Bureau

EXHIBIT NO. 3

FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

NOV 29 1995

IN REPLY REFER TO:
1800B2, 8910-AJ

Jeffrey D. Southmayd, Esquire
Southmayd & Miller
1220 Nineteenth Street, N.W.
Suite 400
Washington, D.C. 20036

Re: WJSO(FM), Pikeville, KY., File No. BPED-940823IC

Dear Mr. Southmayd:

The staff has under consideration the application of the Moody Bible Institute of Chicago ("Moody") requesting waiver of the Commission's main studio requirement for noncommercial educational ("NCE") station WJSO(FM), Pikeville, Kentucky (File No. BPED-940823IC). See 47 C.F.R. § 73.1125.¹ Moody proposes to operate WJSO(FM) as a satellite of its NCE station WMBI(FM), Chicago, Illinois and to locate the WJSO(FM) main studio in Chicago. For the reasons set forth below, we grant Moody's waiver request.

Section 73.1125(a) requires each broadcast station to maintain a main studio within the station's principal community contour to ensure that the station will serve the needs and interests of the residents in its community of license. Amendment of Sections 73.1125 and 73.1130, 3 FCC Rcd 5024, 5027 (1988). However, under Section 73.1125(a)(4), a licensee may locate the main studio outside the station's principal community contour where "good cause" exists to do so and where the proposed studio location "would be consistent with the operation of the station in the public interest." The Commission will consider a waiver request by an NCE station seeking to operate as the satellite of another NCE station on a case-by-case basis. The Commission has recognized the benefits of centralized operations for NCE stations, given their limited funding, and thus found "good cause" exists to waive the main studio location requirement for public television and radio networks seeking to operate a satellite station without a local studio. Id. These satellite stations, however, must demonstrate that they will meet their local service obligations to satisfy the Section 73.1125 "public interest" standard. Id.

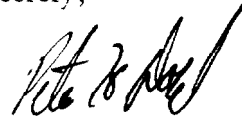
Moody's request is based on the economies of scale which would be realized by grant of its waiver. In recognition of the economic advantages of studio co-location for NCE stations, we find that good cause exists to allow Moody to locate WJSO(FM)'s main studio in Chicago and operate it as a satellite of WMBI(FM). Moody contends that

¹In relevant part, Section 73.1125 requires each broadcast station to maintain a main studio within the station's principal community contour.

locating the WJSO(FM) main studio in Chicago will not impair its ability to serve the needs and interests of Pikeville. Moody states that it will: (1) retain a local representative in Pikeville to ascertain the community's needs and interests and to serve as a continuing liaison between Pikeville residents and programming personnel in Chicago; (2) establish a Citizens Advisory Board, composed of Pikeville residents, to meet with WJSO(FM)'s general manager a minimum of twice a year; (3) open the two Citizens Advisory Board meetings to the public and announce these meetings on WJSO(FM); and, (4) ensure that Moody's news and public affairs programming addresses issues important to the Pikeville community. Moody also indicates that it will maintain a public file for WJSO(FM) in Pikeville and a toll-free telephone number for its residents, as required by 47 C.F.R. §§ 73.3527(d) and 73.1125(c), respectively. On this basis, we are satisfied that Moody will meet its local service obligations and thus that operation of WJSO(FM) will be consistent with the public interest standard set forth in Section 73.1125.

Accordingly, we GRANT the application of the Moody Bible Institute of Chicago requesting waiver of the Commission's main studio requirement for WJSO(FM) Pikeville, Kentucky so that it may operate as a satellite station of WMBI(FM) Chicago, Illinois (File No. BPED-940823IC).

Sincerely,



for Linda Blair, Acting Chief
Audio Services Division
Mass Media Bureau